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PTO/SB/64 (11-03)

OFFICE OF PETITIONS

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
CU-2140

First named inventor: Jan Raa et al.

Application No.: 09/511,582 (CPA)

Art Unit: 1643

Filed: February 23, 2000

Examiner: Jeffery Stucker

Title: NOVEL, NON-ANTIGENIC, MUCOSAL ADJUVANT FORMULATION WHICH  
MODULATES THE EFFECTS OF SUBSTANCES, INCLUDING VACCINE ANTIGENS,  
IN CONTACT WITH MUCOSAL BODY SURFACES

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

01/16/2004 EFL0KES 00000003 09511582

P.O. Box 1450

01 FC:1453

1330.00 OP

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in \_\_\_\_\_ for Continued Examination  
the form of Amendment in conjunction with Request (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

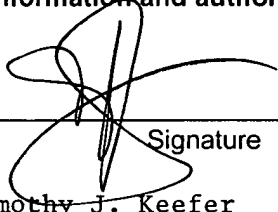
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1/12/04  
Date

Telephone

Number: 312/201-2000

  
Signature  
Timothy J. Keefer  
Typed or printed name

Wildman, Harrold, Allen & Dixon LLP  
Address

225 W. Wacker Drive  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Requestion for Continued Examination

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

1/12/04  
Date

  
Signature

CHRISTINE M. PAVLKY  
Type or printed name of person signing certificate



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of:

Jan Raai et al.  
TJK

Atty. Docket No. CU-2140

Serial No. 09/511,582 (CPA)

Group Art Unit: 1643

Filing Date: February 23, 2000

Examiner: Jeffery Stucker

Title: NOVEL, NON-ANTIGENIC, MUCOSAL ADJUVANT FORMULATION  
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Commissioner for Patents  
Mail Stop: PETITION  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

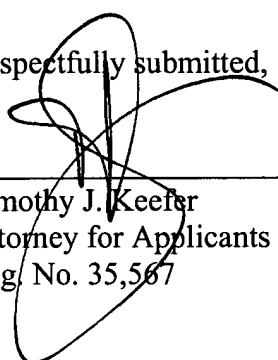
This petition is in response to the notice of abandonment sent from the Patent Office on May 20, 2003. Enclosed herewith is a check in the amount of \$1330.00 (fee for revival unintentionally abandoned), pursuant to 37 C.F.R. § 1.17(m). Please charge Deposit Account No. 23-2126 for any additional fees that may be required to effect this response. Applicants respectfully request revival of the above-identified application, stating as follows:

- 1) This application became abandoned for failure to respond to an outstanding office action mailed from the Patent Office on April 5, 2002. The Patent Office sent a Notice of Abandonment to Applicants on May 20, 2003.
- 2) This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the outstanding office action until the filing of this petition was unintentional, as required by 37 C.F.R. § 1.137(b).
- 3) A response to the outstanding office action is filed herewith.
- 4) A duplicate of this petition is enclosed.

**CONCLUSION**

In view of the foregoing, Applicants respectfully requests that the Office of Petitions and Commissioner revive the instant application based on unintentional abandonment.

Respectfully submitted,



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Timothy J. Keefer  
Attorney for Applicants  
Reg. No. 35,567

Dated: January 12, 2004

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